IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1928/1998

BHAJAN LAL Vs. UNION OF INDIA & ORS.

DATE: 24.09.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. D.C. Gupta for the petitioner.

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Heard learned counsel for the petitioner and perused the reply submitted on behalf of the respondents.

By way of this writ petition, the petitioner has claimed relief to give suitable employment to the petitioner's son against the acquisition of his agriculture land.

The case of the petitioner is that in the year 1992 for construction of Mathura-Alwar Rail Project, agriculture land of the petitioner measuring 0.35 Hq. was acquired by the Railway Department. At the time of acquisition, Railway Department assured the petitioner that one of the member of his family will be given employment in Railway service. On the basis of the assurance given by the Railway Department, the petitioner submitted an application along with

educational certificate for employment to his son Shri Rajesh Kumar, but when no action was taken by the Railway Department, he submitted a representation on 30.08.93 to the Hon'ble Railway Minister, Govt. of India. Since no action has been taken so far to provide employment to his son, the petitioner also sent several representations dated 29.10.96, 10.10.96, 20.11.96 and 30.12.96 to the Hon'ble Railway Minister.

Vide letter dated 30.04.97, the petitioner's son was intimated to send all the documents relating his land's acquisition immediately. Pursuant to the above letter, the petitioner's son again sent all the documents required by the respondent No.2, the Director Establishment (Reservation), Ministry of Rail, Railway Board through registered post, but no response was given by the respondents. Thereafter the petitioner sent a notice for demand of justice through his counsel dated 20.11.97 and after serving notice for demand of justice, he has preferred the instant writ petition for seeking employment of his son on the basis of the assurance given by the Railway Authorities prior to acquisition of his land.

The respondent Railway Authorities filed their reply controverting the facts mentioned by the petitioner and submitted that no such assurance was

even given by the Railway Authorities to provide employment to one of the family member of the petitioner in lieu of acquisition of his land. It is also submitted that the representations which are made to the Hon'ble Railway Minister, not a single copy of the representations has been endorsed to the respondent No.2. It is also stated that the petitioner has never applied for appointment on compassionate ground to the competent authority prior to the year 1997. Thus, the representations so submitted by the petitioner's son, cannot be considered for the purpose of appointment and the Hon'ble Railway Minister also not endorsed the same to the competent authority to do needful.

On behalf of the respondent Railway Department, several disputes questions of facts have been raised as the Ministry concerned has not been made party to the writ petition and further the writ petition has not been filed by the son of the petitioner who was denied employment and the petitioner is not competent to file the same. It is also disputed that any assurance was given by the respondents.

The present writ petition is involving several disputed questions of facts and even otherwise also, the petitioner is not able to show any provision under which appointments in lieu of acquisition of land can

be given. No case of discrimination has been made out. Further this Court while exercising extraordinary jurisdiction, do not want to interfere in such disputed questions of facts. Thus, I find no merit in the writ petition.

Consequently, the writ petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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